THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.11487 of 2007

Date: 07.06.2007

Between:

K.Venlatappaiah and another

....Petitioner

and

The Sub-Registrar,
Himayathnagar,
Hyderabad.

....Respondent

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O R D E R:

Petitioners state that they are the owners and possessors of land admeasuring 204 square yards (Plot No.92) and 300 square yards (Plot No.119) respectively in Sy.No.44/1 of Munaganoor Village, Hayathnagar Mandal, R.R.District. It is also stated that they sold the said properties and approached the second respondent, to register the sale deeds executed by them in favour of the intending purchasers. The grievance of the petitioners is that the respondent is not accepting the documents for registration, on the ground that the Government issued a notification under Section 22-A of the Registration Act, 1908 (for short 'the Act'), in respect of the land in the said survey number. This writ petition is filed seeking appropriate directions to the respondent in this regard.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

Section 22-A of the Act empowered the Government to issue notifications almost preventing the registration of documents in respect of the lands to be mentioned therein. Such a power was held to be *ultra vires* and the provision was struck down by the Hon'ble Supreme Court in ***State of Rajasthan v. Basanth Nahata***[1].

Once the sole basis for the respondent to refuse registration had disappeared, he is under obligation to receive the documents and consider the same in accordance with the provisions of the Indian Stamp Act and the Registration Act.

Hence, the writ petition is disposed of, directing the respondent to receive and process the documents presented by the petitioners and take necessary steps in accordance with the provisions of the Indian Stamp Act and the Registration Act, within one (1) week from the date of receipt of a copy of this order. There shall be no order as to costs.

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07.06.2007

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[1] AIR 2005 SC 3401 = (2005) 12 SCC 77